

## Article 2: Police – Police Regulations – Offenses against Government

### Division 54: Unmanned Aircraft Systems

(“Unmanned Aircraft Systems” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)

#### §52.5401 Purpose and Intent

It is the purpose and intent of this Division to address the potential hazard *Unmanned Aircraft Systems* pose to other aircraft in flight, to persons and property on the ground, and to critical infrastructure within the City of San Diego. This Division is not intended to restrict the use of *Unmanned Aircraft Systems* flown in compliance with any federal rule, regulation, or exemption.

(“Purpose and Intent” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)

#### §52.5402 Definitions

For purposes of this Division, defined terms appear in italics. The following definition applies in this Division:

*Unmanned Aircraft System* shall mean a device that is used or intended to be used for flight in the air, operated without the possibility of direct human intervention from within or onboard the device. This definition includes, but is not limited to, devices commonly known as drones.

(“Definitions” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)

#### §52.5403 Unlawful Operation of Unmanned Aircraft Systems

It is unlawful for any person to operate a *Unmanned Aircraft System* in the air, on the ground, or on the water:

- (a) in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of an *Unmanned Aircraft System* in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing *Unmanned Aircraft Systems*;
- (b) in violation of any flight restriction, temporary or permanent, issued by the Federal Aviation Administration pursuant to 14 C.F.R. 91, as amended;

- (c) in violation of any restriction issued by the Federal Aviation Administration applicable to *Unmanned Aircraft Systems*; or
- (d) in a manner that interferes with law enforcement, firefighting, or any government emergency operations.

*(“Unlawful Operation of Unmanned Aircraft Systems” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)*

**§52.5404 Enforcement Authority**

The Chief of Police, or any other Director authorized by the Mayor, is authorized to administer and enforce the provisions of this Division. The Chief of Police, or any other Director authorized by the Mayor, may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

*(“Enforcement Authority” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)*

**§52.5405 Violations and Penalties**

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201.

*(“Violations and Penalties” added 5-5-2017 by O-20818 N.S.; effective 6-4-2017.)*